

SERVED: February 27, 1992

NTSB Order No. EA-3499

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D. C.
on the 1st day of February, 1992

BARRY LAMBERT HARRIS,
Acting Administrator,
Federal Aviation Administration,

Complainant,

v.

DAVID R. BRODERDORF,

Respondent.

Docket SE-9676

ORDER DENYING STAY

Respondent has filed a motion for a stay of Board Order EA-3349 (served July 19, 1991), in which we sustained the revocation of his airman certificate,¹ pending judicial review

¹While respondent's motion is styled as a motion for a stay of Board Order EA-3451 (served December 19, 1991), that order merely denied reconsideration of Board Order EA-3349, in which we found that respondent had violated §§ 135.3 and 135.5 of the Federal Aviation Regulations (14 C.F.R.) and upheld the revocation of his airman certificate by the Administrator. Thus, we consider the motion to be one for a stay of Order EA-3349.

of that order in the United States Court of Appeals pursuant to 49 U.S.C. section 1486.²

The Board has consistently denied requests for stays of its orders pending judicial review in cases involving the revocation of an airman's certificate because a revocation, in contrast to a suspension, is based on the conclusion that an airman's conduct was so egregious as to demonstrate a lack of qualifications (including the necessary care, judgment and responsibility) required of a certificate holder. In our opinion, aviation safety and the public interest would be compromised by permitting an individual to exercise, pending judicial review, the privileges of a certificate which he has been found unfit to hold.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's request for a stay of Board Order EA-3349 is denied.

KOLSTAD, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²Respondent has also filed a supplemental brief in support of his motion and the Administrator has filed a response opposing the motion.